

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 1—Controlled Substances

PROPOSED AMENDMENT

19 CSR 30-1.062 Transmission of Prescriptions. The department is amending sections (1) and (2) and adding a new section (4).

PURPOSE: This amendment establishes specific requirements and restrictions governing transmission of prescription information.

(1) Prescriptions in Schedule II. A pharmacist may dispense a controlled substance in Schedule II only under a written prescription signed by the practitioner, except as provided in section 195.060.3, RSMo. A prescription for a Schedule II controlled substance may be transmitted from the prescribing practitioner to a pharmacy by facsimile equipment [*or electronic computer transmission*], provided the original written, signed prescription is presented to the pharmacist for review prior to the actual dispensing of the controlled substance, except that[.]:

(A) A prescription written for a Schedule II narcotic substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion may be transmitted by the practitioner or the practitioner's agent to the pharmacy by facsimile [*or by electronic computer transmission*]. The facsimile [*or the computer transmission*] which has been reduced to writing shall serve as and shall be maintained in the same manner as an original written prescription.

(B) A prescription written for a Schedule II substance for a resident of a long-term care facility may be transmitted by the practitioner or the practitioner's agent to the pharmacy by facsimile [*or by electronic computer transmission*]. The facsimile [*or the computer transmission*] which has been reduced to writing shall serve as and shall be maintained in the same manner as an original written prescription.

(C) A prescription written for a Schedule II substance for a patient of a hospice may be transmitted by the practitioner or the practitioner's agent to the pharmacy by facsimile [*or by electronic computer transmission*]. The practitioner or the practitioner's agent shall note on the prescription that the patient is a hospice patient. The facsimile [*or the computer transmission*] which has been reduced to writing shall serve as and shall be maintained in the same manner as an original written prescription.

(2) Prescriptions in Schedule III, IV or V. A pharmacist may dispense directly a controlled substance in Schedule III, IV or V only under a written prescription signed by a practitioner or a facsimile of a written, signed prescription transmitted by the practitioner or his/her authorized agent or under an oral prescription made by an individual practitioner whether communicated by the practitioner or his/her authorized agent [*or a prescription transmitted by electronic computer transmission*] by the authorizing practitioner or the practitioner's agent to the pharmacy. All oral prescriptions [*and prescriptions transmitted by electronic computer transmission*] shall be promptly reduced to writing by the pharmacist

containing all information required in section 195.060, RSMo, except for the signature of the practitioner.

(4) Prescriptions Transmitted by Electronic Computer Transmission. A pharmacist may dispense a controlled substance in Schedule II, III, IV or V under a prescription transmitted from the prescribing practitioner to a pharmacy by electronic computer transmission provided that the prescription and its transmission complies with federal law regarding electronic prescriptions as found in the Code of Federal Regulations, Title 21 Part 1300 to End. The federal rules regarding electronic prescriptions are hereby incorporated by reference in this rule as published April 1, 2014, by the Office of Federal Register, National Archives and Records Administration, and are made available to the public by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, D.C. 20401, or at www.gpoaccess.gov/cfr/. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY: section 195.195, RSMo [1994] 2000. * Original rule filed April 14, 2000, effective Nov. 30, 2000. *Original authority: 195.195, RSMo 1957, amended 1971, 1989, 1993.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private agencies less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Michael Boeger, Administrator, Department of Health and Senior Services, Bureau of Narcotics and Dangerous Drugs, P.O. Box 570, Jefferson City, Missouri 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*